



# TITLE IX ADVISING 101

with Bobby Whitehead

# GOALS FOR TODAY'S TRAINING

1. Understand the difference between a process advisor and a hearing advisor.
2. Understand how an advisor can participate in the Title IX Process.
3. Understand how to participate in questioning during the hearing.

Disclaimer: This training is not legal advice.

# TYPES OF ADVISORS

## PROCESS ADVISORS

- Sometimes referred to as "advisors of choice."
- Permitted to be involved in the entire process.
- Can be anyone – attorney, parent, friend, employee, etc.

## HEARING ADVISORS

- Required to be provided to parties for the hearing if they do not have their own advisor.
- Participation is generally limited to conducting cross examination at the hearing.

# ADVISING OVERVIEW

## Your Party:

The person you are advising

### Key Responsibilities

- Explain your role to your party.
- Understand your institution's policies and procedures.
- Assist your party.
- Questioning during the hearing.
- Follow rules of decorum.
- Maintain appropriate privacy.

### Do Not:

- Speak on your party's behalf, except when conducting questioning during the hearing.
- Act as the investigator and try to gather information.
- Try to predict the outcome of the hearing.

Both process advisors and hearing advisors should remember that their role is to support their party.

# PROCESS ADVISORS

You can be brought into the process at any point so be sure to ask your party questions to understand where things are in the process.

- Did you receive a Notice of Allegations and a Formal Complaint?
- Have you met with the investigator yet?
- Did you submit evidence and/or witnesses yet?
- Have you received a draft and/or Final Report? If so, what's the deadline to respond?
- Has a hearing been scheduled? If so, when?
- Is there a pre-hearing meeting scheduled? If so, when?



# PROCESS ADVISORS (CONTINUED)

**Figure out how to best support your party.**

- Does your party need help understanding the policy and procedures?
- Does your party need help figuring out what information to provide the investigator?
- Does your party need help identifying and organizing evidence?
- Does your party need help identifying witnesses for the investigator to contact?
- Does your party need help preparing for meetings?
- Does your party need help reviewing evidence and report?

# HEARING ADVISORS

Hearing advisors are usually not introduced to their party until just before the hearing.

Here are some things you can do to make sure you are the most prepared for the hearing.

- Ask the Title IX Coordinator for a copy of the Notice of Allegations, Formal Complaint, Investigation Report, and Evidence, and thoroughly review them.
- Refresh yourself on your institution's policy and procedures.
- Ask the Title IX Coordinator to introduce you to your party as soon as possible.



# Preparing For The Hearing: Meeting With Your Party

- Introduce yourself
- Review the **Notice of Allegations**
- Provide an overview of **what to expect at the hearing**
  - **How will it be conducted?**
  - **Who will be there?**
- Answer any questions they may have



# PREPARING FOR THE HEARING: CROSS EXAMINATIONS



- Discuss the **report and evidence**
- Discuss questions your party wants you to ask the other party and/or witnesses during the hearing.
- Discuss what your party wants to share in an opening/closings statement (if your institution's process allows for this).

# CONDUCTING QUESTIONING

- Parties are not permitted to directly question—so it must be done through a Hearing Advisor.
- The purpose of questioning is to test the credibility of an individual and to clarify facts.
- When asking questions, focus on the information in the report and evidence as well as the elements of the alleged policy violation(s).
- Follow the rules of decorum.
- The Decision Maker determines relevancy of all questions – remind your party to pause after a question is asked.
- Avoid asking duplicative questions.

# POSSIBLE CHALLENGES

- The Non-Responsive Party
- The Person Needing Extra Support
- Becoming Overly Involved



# WRAP-UP

Whether you're serving as a Process Advisor or a Hearing Advisor, it is important to remember that you are there to support your party.

It's your job to make sure that your party understands the process and their options for participation in it, and it's your job to be your party's voice during cross examination.





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